

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ABEL MONTOYA and ELVIS ESCOBAR, on
their own behalf and on behalf of
others similarly situated,

Plaintiffs,

-against-

ORDER

10-CV-4625(JS)(ETB)

RUSSO BROTHERS SERVICE CENTER, INC.,

Defendants.

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APPEARANCES:

For Plaintiffs: Roman M. Avshalumov, Esq.
Helen F. Dalton & Associates, P.C.
69-12 Austin Street
Forest Hills, NY 11375

For Defendants: Thomas J. Stock, Esq.
Stock & Carr
88 Second Street
Mineola, NY 11501

SEYBERT, District Judge:

In response to the Court's December 9, 2011 Order, the parties in this Fair Labor Standards Act ("FLSA") case submitted their proposed settlement agreement for the Court's in camera review. "FLSA settlement agreements require judicial supervision or supervision by the Secretary of Labor." Peralta v. Allied Contracting II Corp., No. 09-CV-0953, 2011 WL 3625501, at *1 (E.D.N.Y. Aug. 17, 2011). In the Court's view, there are too few facts in the Settlement Agreement for the Court to be able to determine whether the proposed settlement is fair and reasonable. Within fourteen (14) days, the parties should

jointly submit a letter explaining why the proposed settlement is procedurally and substantively fair. See, e.g., Davis v. J.P. Morgan Chase & Co., __ F. Supp. 2d __, 2011 WL 4793835, at *1-2 (W.D.N.Y. Oct. 11, 2011) (describing the factors courts use in evaluating proposed settlements). The parties should also address whether the proposed settlement should contain a confidentiality clause and whether the settlement should be filed under seal or filed in a redacted form. If the answer to either of these questions is "yes," the parties should explain why. See, e.g., Martinez v. Ragtime Foods of N.Y., Inc., No. 11-CV-1483, 2011 WL 5508972, at *1-2 (E.D.N.Y. Nov. 10, 2011); Mosquera v. Masada Auto Sales, Ltd., No. 09-CV-4925, 2011 WL 282327, at *1-2 (E.D.N.Y. Jan. 25, 2011) (requiring "substantial showing of need").

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: January 18, 2012
Central Islip, New York